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**MORRISON & FOERSTER LLP**Attorneys at Law  
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From: Brenda J. Wallach, Ph.D.

Date: August 18, 2004

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**Comments:**

Attorney Docket: 30062-20054.00  
Group Art Unit: 1636  
Examiner: T. McKelvey  
Serial No.: 09/847,526  
Filing Date: May 1, 2001  
Inventor(s): Daniel SANTI et al.  
Title: OVERPRODUCTION HOSTS FOR BIOSYNTHESIS OF  
POLYKETIDES

**Papers attached:**

1. Petition to Withdraw Application From Issue (2 pages)
2. Transmittal (1 page)
3. Fee Transmittal (1 page + duplicate)

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SD-215203


PTO/SB/21 (02-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/847,526
		Filing Date	May 1, 2001
		First Named Inventor	Daniel SANTI
		Art Unit	1636
		Examiner Name	T. McKelvey
Total Number of Pages in This Submission	6	Attorney Docket Number	300622005400

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 p. + dup) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet (1 page)
Remarks Customer No. 25225		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193	
Signature		
Date	August 18, 2004	

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, fax number (703) 872-9306, on the date shown below.

Dated: August 18, 2004

Signature:  (Brenda Campbell)

sd-215459

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2003. Patent fees are subject to annual revision.</small>		Complete if Known		
		Application Number	09/847,526	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	May 1, 2001	
		First Named Inventor	Daniel SANTI	
		Examiner Name	T. McKelvey	
TOTAL AMOUNT OF PAYMENT (\$)		130.00	Attorney Docket No.	300622005400
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)		
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES		
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP		Large Entity Fee Code Fee (\$) Small Entity Fee Code Fee (\$) Fee Description Fee Paid		
The Director is authorized to: (check all that apply)		1051 130 2051 65 Surcharge - late filing fee or oath		
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet.		
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)		1053 130 1053 130 Non-English specification		
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1812 2,520 1812 2,520 For filing a request for ex parte reexamination		
FEE CALCULATION		1804 820* 1804 820* Requesting publication of SIR prior to Examiner action		
1. BASIC FILING FEE		1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action		
Large Entity Fee Code Fee (\$) Small Entity Fee Code Fee (\$) Fee Description Fee Paid		1251 110 2251 55 Extension for reply within first month		
1001 770 2001 385 Utility filing fee		1252 420 2252 210 Extension for reply within second month		
1002 340 2002 170 Design filing fee		1253 950 2253 475 Extension for reply within third month		
1003 530 2003 265 Plant filing fee		1254 1,480 2254 740 Extension for reply within fourth month		
1004 770 2004 385 Reissue filing fee		1255 2,010 2255 1,005 Extension for reply within fifth month		
1005 160 2005 80 Provisional filing fee		1401 330 2401 165 Notice of Appeal		
SUBTOTAL (1) (\$)		1402 330 2402 165 Filing a brief in support of an appeal		
0.00		1403 290 2403 145 Request for oral hearing		
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		1451 1,510 1451 1,510 Petition to institute a public use proceeding		
Total Claims -20** = Extra Claims Fee from below Fee Paid		1452 110 2452 55 Petition to revive - unavoidable		
Independent Claims -3** =		1453 1,330 2453 665 Petition to revive - unintentional		
Multiple Dependent		1501 1,330 2501 665 Utility issue fee (or reissue)		
Large Entity Fee Code Fee (\$) Small Entity Fee Code Fee (\$) Fee Description Fee Paid		1502 480 2502 240 Design issue fee		
1202 18 2202 9 Claims in excess of 20		1503 640 2503 320 Plant issue fee		
1201 86 2201 43 Independent claims in excess of 3		1460 130 1460 130 Petitions to the Commissioner		
1203 290 2203 145 Multiple dependent claim, if not paid		1807 50 1807 50 Processing fee under 37 CFR 1.17(q)		
1204 86 2204 43 ** Reissue independent claims over original patent		1806 180 1806 180 Submission of Information Disclosure Stmt		
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent		8021 40 8021 40 Recording each patent assignment per property (times number of properties)		
SUBTOTAL (2) (\$)		1809 770 2809 386 Filing a submission after final rejection (37 CFR 1.129(a))		
0.00		1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))		
**or number previously paid, if greater, For Reissues, see above		1801 770 2801 385 Request for Continued Examination (RCE)		
		1802 900 1802 900 Request for expedited examination of a design application		
		Other fee (specify)		
		*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)		
		130.00		
SUBMITTED BY		(Complete if applicable)		
Name (Print/Type) Brenda J. Wallach		Registration No. (Attorney/Agent) 45,193		
Signature <i>Brenda J Wallach</i>		Telephone (858) 720-7961		
		Date August 18, 2004		

sd-215199

# Duplicate Copy For Fee Processing

PTO/8B/17 (10-03)  
Approved for use through 7/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account:</p> <p>Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">03-1952</span></p> <p>Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Morrison &amp; Foerster LLP</span></p> <p>The Director is authorized to: (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments</p> <p><input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>				<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td>130.00</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(e))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid</p>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner	130.00	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(e))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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1203	290	2203	145	Multiple dependent claim, if not paid																																																																																																																																																																																					
1204	66	2204	43	** Reissue independent claims over original patent																																																																																																																																																																																					
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																					
<p><b>SUBMITTED BY</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td style="width: 40%;">Name (Print/Type)</td> <td style="width: 20%;">Brenda J. Wallach</td> <td style="width: 20%;">Registration No. (Attorney/Agent)</td> <td style="width: 20%;">45,193</td> </tr> <tr> <td>Signature</td> <td colspan="2" style="text-align: center;"><i>Brenda J. Wallach</i></td> <td></td> </tr> </table>				Name (Print/Type)	Brenda J. Wallach	Registration No. (Attorney/Agent)	45,193	Signature	<i>Brenda J. Wallach</i>			<p style="text-align: center; font-size: 0.8em;">(Complete if applicable)</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td>Telephone</td> <td>(858) 720-7961</td> </tr> <tr> <td>Date</td> <td>August 18, 2004</td> </tr> </table>				Telephone	(858) 720-7961	Date	August 18, 2004																																																																																																																																																																						
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sd-215199

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306 on the date shown below.

Dated: August 18, 2004

Signature: Brenda Campbell

Docket No.: 300622005400  
(PATENT)

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AUG 18 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Daniel SANTI et al.

Allowed: March 31, 2004

Application No.: 09/847,526

Confirmation No.: 4025

Filed: May 1, 2001

Art Unit: 1636

For: OVERPRODUCTION HOSTS FOR  
BIOSYNTHESIS OF POLYKETIDES

Examiner: T. McKelvey

OFFICIAL

**PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR §1.313(c)(2)**

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. Claims 5 and 6 were found to contain allowable subject matter. The Issue Fee in this application was timely paid on June 29, 2004.

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a Request for Continued Examination and a Supplemental Information Disclosure Statement, both of which were filed on August 9, 2004.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h).

SD-215175

Application No.: 09/602,725

2

Docket No.: 300622000203

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Order No. 300622005400.

Dated: August 18, 2004

Respectfully submitted,

By Brenda J. Wallach  
Brenda J. Wallach, Ph.D.

Registration No.: 45,193  
MORRISON & FOERSTER LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130  
(858) 720-7961

sd-215175